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BENCHMARKING OF EU AND SERBIAN CCIs – LEGAL AND FINANCIAL ISSUES

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Abstract. *This paper explores the legal, financial, tax, and educational conditions relevant for the development of creative and cultural industries (CCIs). The qualitative research of the literature on these industries included studies on the modern definition, standardization, and classification*

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of these activities, while the quantitative research of the countries of the European Union and Serbia incorporated practical examples and results of industry development. The paper uses the comparative scientific method, analysis and synthesis, and presents examples of good practices to obtain key research results. Considering the marked contribution of CCIs to the macroeconomic development of the EU and Serbia, along with their rapid growth, the results of this research can contribute to decision-making in the creation of new incentives and legal frameworks for the functioning of industries in Serbia, their digital transformation and new opportunities for young educated people starting their own businesses in this area.

Keywords: *creative and cultural industries (CCIs), regulations, financial conditions, innovation*

INTRODUCTION

The creative economy in the global industrial sector is growing very quickly, with significant influence on the creation of jobs, rise in income, quality of life, and innovation. This paper aims to explore the institutional framework and good practices in EU countries, and opportunities to apply them in Serbia, as a country on its way to becoming one of the leaders in CCIs in the Balkan region. According to UNCTAD (2022), USD 524 million in creative goods and services is made in global exports (2020). According to Eurostat (2021), in 250 regions of 24 European countries, these industries create 7.8% of GDP and 7.9% of total employment (the estimated contribution to EU GDP differed based on source: Council of Europe 6.5%; Green Paper 2.6%; Creative Europe program 3.3%; contribution to employment ranged between 5 to 18 million, depending on the source). The contribution of creative services to the national growth of EU countries is greater than that of manufacturing, with productivity higher than the industry average. Research results in other countries,

like the United States and Australia, found that creative industry wages, income, and growth rate are higher than the national average of the private sector (UNCTAD 2022). CCIs are also highly innovative and a major contributor to employment in other parts of the world, such as Brazil, where they make up 44.2% of the country's GDP (2021).

Most businesses in CCIs employ fewer than 10 people, which emphasizes their micro-enterprise structure UNCTAD (2022). This is also characteristic of the creative sector in the EU and Serbia. Besides the above information on creative industries' contribution to macroeconomic factors and the development of EU countries, they positively impact the quality of life, climate change, and sustainability (UN General Assembly Resolution 74/198). As many people employed in CCIs are young, women and educated, they make an impressive contribution to the reduction of inequalities and to decent work and economic growth (SDG 10 and 8), to poverty reduction (SDG 1), gender equality (SDG 5), innovation, industry, and infrastructure (SDG 9), along with other sustainable development goals.

For achieving the 2030 Agenda, CCIs have a very important role, with their rising economic, social, and political significance. Serbia, on its accession path to the EU, could benefit from good legislative and financial policies of other EU countries and from the implementation of different measures and policies in the development of its creative industries, which are presented in more detail through the legal and financial aspects in this research.

METHODS AND MATERIALS

Concept and definition of creative and cultural industries

The creative economy concept is connected to the report Creative Nation (UNCTAD 2010), published in Australia relatively recently (1994). The United Kingdom was the first European country (no longer a member

of the EU) that consciously developed and implemented policies for the creative industry. The concept of cultural industries is not new: it was created more than half a century ago. The definition of creativity builds on the interplay between human creativity, ideas, intellectual property, knowledge, and technology, while the creative economy encompasses all industries relying on creative activities.

The concept of the creative economy is closely linked with the “knowledge economy”, a key driver of endogenous growth through investment in human capital. This led to the introduction and use of the terms creative industries as those industries which have their origin in individual creativity, skill, and talent, with the potential for job and wealth creation through the generation and exploitation of intellectual property. In recent years, concepts such as content industries and copyright industries have also been introduced, including slightly different definitions and disciplines. All of these concepts and approaches share the common theme of human creativity.

Howkins (2001) introduced the term creative economy, connecting creativity and economy. There are numerous classifications and models of cultural and creative industries, with emphasis on the very act of creativity and public expression in cultural and market aspects of creative industries (Falk *et al.* 2011). Considering the above, cultural industries are part of creative industries (Potts, Cunningham 2008). Creative industries can be considered drivers of economic progress, and in the last two decades, there has been an increased interest in measuring the contribution of creative industries to national economies, which has resulted in numerous studies aimed at considering the size, performance, and competitiveness of creative industries in different countries, followed by comparisons between different sectors, as well as between different countries.

The complex supply chains in the creative industries sometimes make it challenging to calculate accurate figures for the gross value added by each sub-sector. This is particularly true for service-focused

sub-sectors such as advertising, whereas it is more straightforward in product-focused sub-sectors such as crafts. There may be a tendency for publicly funded creative industries development services to inaccurately estimate the number of creative businesses during the mapping process. Also, nearly all tax code systems that determine a person's profession are imprecise, since many creative people operate simultaneously in multiple roles and jobs. Both these factors mean that official statistics relating to creative industries should be treated with caution.

As some first-world countries struggle to compete in traditional markets such as manufacturing, many now see the creative industry as a key component in a new knowledge economy, capable perhaps of delivering urban regeneration, often through initiatives linked to the exploitation of cultural heritage that boosts tourism. In recent years, creative industries have become increasingly attractive to governments outside developed countries.

The differences in the definitions adopted at the national level depend largely on the needs and scope defined within local policy evaluations and development initiatives. In the broadest sense, the term “creative industries” refers to a range of economic activities that are concerned with the generation and commercialization of creativity, ideas, knowledge, and information. This term describes businesses with creativity – for example, design, music, publishing, architecture, film and video, crafts, visual arts, fashion, TV and radio, advertising, literature, computer games, and the performing arts. Some authors consider creative industries to be classified into thirteen sub-sectors: advertising; architecture; the art and antique market; crafts; design; designer fashion; film and video; interactive leisure software; music; the performing arts; publishing; software and computer games; and television and radio. Most recently, these industries have been called the “Orange Economy” as a production model where goods and services have intellectual value because they are the product of the ideas and expertise of their creators.

The “Orange Economy” is a term coined by Felipe Buitrago Restrepo and Iván Duque. According to them, the Orange Economy is a group of linked activities through which ideas are transformed into cultural goods and services whose value is determined by intellectual property. The orange universe includes the Cultural Economy and the Creative Industries which share the Conventional Cultural Industries and creativity-supporting activities. Some of the most used definitions of creative industries are given:

- DCMS (2001) included 13 sectors in its creative industries model, and although much has since been written on the categorization of creative industries, the authors submit that no substantial changes to this model have been made.
- UNESCO (2005; 2006; 2010) gives the following definition: “The cultural and creative industries are those that combine the creation, production, and commercialization of creative contents that are intangible and of a cultural nature. These contents are usually protected by Copyright and can take the form of a good or service. Besides all artistic and cultural production, they include architecture and advertising”. That economy includes art, communications, food, coding, and entrepreneurship. The adoption of the 2005 UNESCO Convention for the Protection and Promotion of the Diversity of Cultural Expressions was a milestone in international cultural policy. Through this convention, the global community formally recognized the dual nature, both cultural and economic, of contemporary cultural expressions produced by artists and cultural professionals. Shaping the design and implementation of policies and measures that support the creation, production, distribution of, and access to cultural goods and services, this Convention is at the heart of the creative economy. Recognizing the sovereign right of States to maintain, adopt and implement policies to protect and promote the diversity of cultural expression, both nationally and

- internationally, it supports governments and civil society in finding policy solutions for emerging challenges and ultimately provides a new framework for informed, transparent and participatory systems of governance for culture. UNESCO focuses on the social and economic dimensions of culture defined according to the concepts of cultural and related domains and the culture cycle.
- The United Nations Conference on Trade and Development (UNCTAD 2010) has introduced the topic of the “creative economy” in the world economy and development agenda. The creative economy is an emerging concept dealing with the interface between creativity, culture, economics, and technology in a contemporary world dominated by images, sounds, texts, and symbols. Today, the creative industries are among the most dynamic sectors in the world economy providing new opportunities for developing countries to leapfrog into emerging high-growth areas of the world economy. All UNCTAD activities are intensive in creative skills and can generate income through trade and intellectual property rights. UNCTAD defines creative industries as cycles of creating, producing, and distributing goods and services that use creativity and intellectual capital as primary inputs. They comprise a set of knowledge-based activities that produce tangible goods and intangible intellectual or artistic services with creative content, economic value, and market objectives. The creative economy offers a feasible development option to all countries, and in particular to developing economies. More data and innovative and multidisciplinary policy responses are needed to enhance the development impacts of the creative sector.
 - The World Intellectual Property Organization (WIPO 2003; WIPO 2004a) concentrates on the importance of copyright and categorizes industries according to the extent to which their activities depend on copyright, and has the following definition:

“The Copyright-based industries are those that are dedicated, interdependent, or that are directly or indirectly related with the creation, production, representation, exhibition, communication, distribution or retail of Copyright protected material.” Some agencies use the term cultural industries, but this term relates to a more specific range of industries and can be regarded as a subset of the creative industries.

- In Europe, the first comprehensive study that broadly reflected on creative industries was the Economy of culture in Europe (KEA European Affairs 2006). According to that report, “the role of the cultural and creative sector [...] is still largely ignored”.
- According to the definitions set out in the Green Paper (2010): “Cultural industries’ are those industries producing and distributing goods or services which at the time they are developed are considered to have a specific attribute, use or purpose which embodies or conveys cultural expressions, irrespective of the commercial value they may have” (2010 Green Paper (COM 2010, 183)).

Potts and Cunningham (2008), propose four models of the relationship between creative industries and the whole economy:

- Innovation model (with the creative industries role in the innovation and knowledge bases);
- Growth model (concerning the creative industries with a great impact on economic growth);
- Welfare model (the creative industries are oriented to the enhancement of welfare); and
- Competition model (understanding the creative industries as just another industry without specific contribution to innovation creation).

The differences between creative and cultural industries (CCIs), could be better understood by Cultural Industries best described as adjunct sectors of the creative industries. Industries that focus on cultural tourism

and heritage, libraries, museums, sports, and a variety of ‘way of life’ activities could be classified as Cultural Industries. The World Intellectual Property Organization (WIPO, 2014b) identified further broad categories of cultural and creative industries (CCIs): literature, press, music, theatrical productions, motion pictures, video; radio and television; photography; software, databases, computer games; visual and graphic arts; advertising and copyright collective management societies as core CCIs.

The interdependent copyright industries include the manufacture of computers and musical instruments, the manufacture of recording media, and partial copyright industries – textiles, apparel, jewelry, footwear; furniture; glass; wall coverings and carpets; architecture, engineering; toys and games; museums, and interior design. Also, the WIPO recognizes general wholesale and retail; general transportation; and information and communication (including wired, wireless, satellite, and internet as non-dedicated support for creative industries).

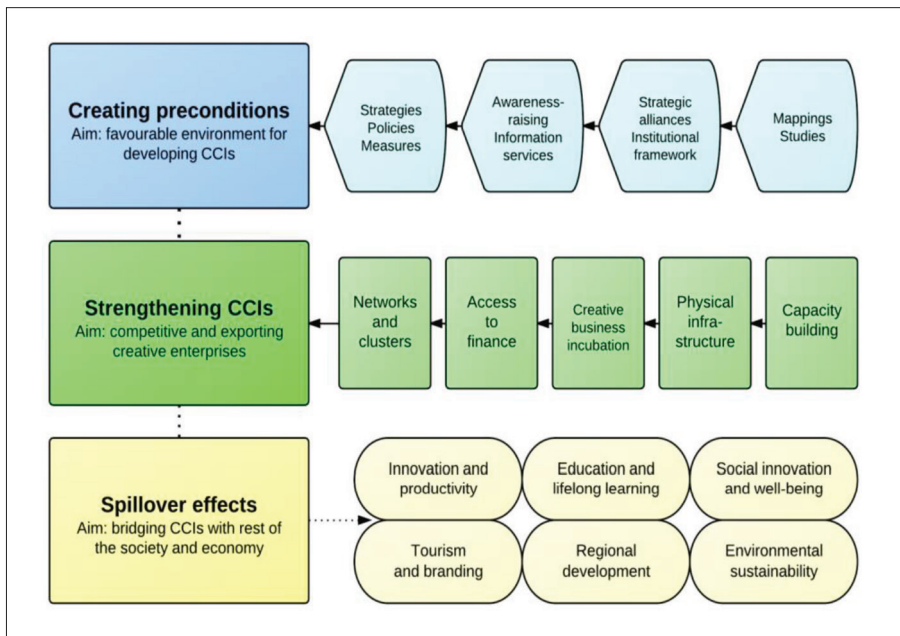


Figure 1. CCIs developing Framework
(source: Policy Handbook, EU 2012)

LEGAL AND FINANCIAL FRAMEWORK OF CCIs IN THE EU AND SERBIA

EU frameworks

In the EU, this sector is regulated by the European Parliament resolution (2016/2072(INI), Commission implementing decision (of 26. 5. 2021), Article 167(4) of the Treaty on the Functioning of EU and the Creative Europe Program for CCIs (2021). According to the above documents, CCIs play an important role, as recognized by the EU 2020 strategy: they are generators of comparative advantage and industrial change. Based on this legislation, the EU takes cultural aspects into account. The three strands of the European Commission's flagship program are culture, media, and the cross-sectoral strand: Creative Innovation Lab, Creative Europe desks, and European Statistical System (ESS), as tools and platforms created in support of CCIs development.

The EU developed support schemes, intended for building a stronger ecosystem for CCIs, such as the FLIP project, Worth Partnership Project as a part of Horizon Europe; digital Start-up Support for Young Entrepreneurs in these industries; STARTS, ARTS, EIT, which is Europe's largest innovation ecosystem of 2900 partners that connects innovators and organizations and some networks.

The EU financial policy measures for CCIs development include 75 funds of 21 programs with a EUR 2.44 billion budget for the period 2021–2027. The Creative Program is the umbrella for these sources, and all opportunities are placed on the portal CulturEU. Architecture, books, publishing and performing arts, along with music, and audio-visual arts are covered. The European Commission gives over EUR 250 million through *guarantee loans* provided free of charge to selected financial intermediaries for enterprises from the CCIs. The EU budget for creative industries support was EUR 1.47 billion for 2014–2020. The new

program (2021–2027) puts a stronger emphasis on encouraging competitiveness, innovation, and creation, and brings EUR 2.44 billion to support creative industries. The Resolution (2016/2072(INI)) contains several points related to the financing of CCIs, stressing public policies, culture budgets and tax relief schemes in support of CCIs.

Serbian framework

Mikić *et al.* (2012; 2019) made a report in which they distinguish a narrower approach based on the British definition of nine groups of creative industries. According to TERA Consultants (2014) and World Bank (2017), carrier CCIs are those that are intended for mass reproduction, wide distribution, and export. In addition to them, this sector includes interdependent activities on the creation and consumption of cultural goods, and non-specialized support activities, which deal with broadcasting, communication, distribution, and sale of cultural products. The report on creative industries in Serbia from 2017 (World Bank 2017) included a broader approach by classifying 52 activities in CCIs. The contents provided by international organizations were used in defining CCIs in Serbia, which Mad Marx (Virtual Institute of the Foundation) proposed as a combined model of the activities of UNCTAD and WIPO into MODEL VI – 2018, with classification as a general standard (Official Gazette of FRY, 31/96). The model accepts and implements the Creative Serbia program. According to it, the sector of creative industries in Serbia includes:

- Manufacturing industry (C): Manufacture of textiles, clothing, leather, and footwear; Paper manufacturing, wood processing, and printing; manufacture of computers and electrical equipment; manufacture of furniture, toys, jewelry, industrial design;
- Communications and information (J): Publishing, cinematographic and TV production, program media activities, telecommunications, computing, and information services;

- Scientific, professional, and artistic activities, (M) with arts and recreation (R).

Creative knowledge, and creative skills, as well as used i.e. capitalized patent and copyright rights (Savić, Grozdanić 2008).

The CCIs Council in Serbia, which has been established in 2018, and the platform “Serbia Creates” for the promotion of innovation, make roof institutions for CCIs development (Jevtić *et al.* 2013; Jevtić *et al.* 2020).

According to the Statistical Office of the Republic of Serbia (2019–2020), CCIs are mostly micro-enterprises (94%), like in the EU, with a constant increase of registered companies (73,000 in 2021, and over 55,000 entrepreneurs). Jovičić and Mikić (2006; Mikić 2013) did the first study on the CCIs in Serbia and their contribution to the economy. A World Bank analysis from 2017 states that CCIs make up 3.7% of GDP, 3.3% of jobs in Serbia, with the number of employees, continuously rising (127,000 persons, mostly young – 53.8%, of which women constitute almost half – 45%. According to the Serbian Statistical Office (2021), the GVA of CCIs was RSD 236 billion. CCIs are an important development sector for the national economy and exports.

In the coming period, Serbia should improve the public financing policy for CCIs, tackle the role that public investment banks play in supporting CCIs, and improve the legislation for new sources of financing, such as micro crediting repayable contributions, crowdfunding, risk, and venture capital and seed sources.

For further development of creative industries in Serbia, it would be needed to develop financial support (Financing Intellectual Property rights, Social investment in the arts (Jevtić *et al.* 2020), and innovation tools for companies in the pre-seed and seed-stage, for start-ups, such as incubation support, development of products and services, and innovation support (Jevtić, Grozdanić 2014).

CONCLUSION

Investing in CCIs is important due to the benefits they generate for the economy and society. Public, private and philanthropy funding is very important; among them, governments play a constructive and consistent policy role in the development of the sector's activities with complex financing needs.

Special attention in the area of creative industries should be paid to micro, small, and medium-sized enterprises in Serbia. The country must strengthen all forms of dialogue among public institutions and other stakeholders to improve the situation in creative sectors and legal and financial frameworks.

It is important to have clear rules at the national level, which will be directly or indirectly transferred to national legislation concerning creative sectors and practice. In Serbia, the possibility for Creative and Culture Industries to benefit from support measures and incentives should be ensured. This includes financial schemes, direct public funding, and tax credits, with maximum flexibility regarding CIs' needs. The creative industry sector must be recognized as a strategic one in Serbia. The two founding principles of creative sectors – copyright and territorial exclusivity – are necessary to be preserved and protected, which requires clear rules in this field.

Key findings of this paper show that through various measures Serbia has improved the working conditions in this sector. The national platform 'Serbia Creates' is a good foundation, but it has to be better interconnected with the measures and policies of other sectors, such as taxes, social security and protection system, guarantee and credit schemes supporting innovation and entrepreneurial activities, education programs, and labour and employment law modernization. As more than half of employees in this sector are young people aged 20 to 45, highly educated, with a high percentage of women, the support of talents, innovators

of creative industries, and scientists would have to become a priority in economic policy. The direct contribution of creative industries in Serbia, through economic influence, on employment, exports, and GDP growth has been recorded, which is a further argument for the creation of a framework more supportive for their development.

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BENČMARKING KREATIVNIH I KULTURNIH INDUSTRIJA EU I SRBIJE – PRAVNA I FINANSIJSKA PITANJA

***Sažetak.** Ovaj rad istražuje okvire pravnih, finansijskih, poreskih i obrazovnih uslova za razvoj kreativnih i kulturnih industrija (KKI). U kvalitativno*

istraživanje literature o ovim industrijama uključene su studije autora i institucija koje se odnose na definisanje, standardizaciju i klasifikaciju ovih delatnosti, a u kvantitativno istraživanje zemalja Evropske unije i Srbije, primeri njihove prakse i rezultata razvoja industrije. U radu su korišćeni uporedni naučni metod, analiza i sinteza, kao i prenošenje primera dobre prakse za dobijanje ključnih rezultata istraživanja. S obzirom na visok doprinos makroekonomskom razvoju EU i Srbije kreativnih i kulturnih industrija, koje ubrzano rastu, rezultati ovog istraživanja mogu doprijeti donošenju političkih odluka u kreiranju novih podsticajnih politika i zakonskih okvira za funkcionisanje industrija u Srbiji, njihovoj digitalnoj transformaciji i novim mogućnostima za započinjanje sopstvenog biznisa mladih obrazovanih ljudi u ovoj oblasti.

Ključne reči: *kreativne i kulturne industrije (KKI), propisi, finansijski uslovi, inovacije*